

Eric Vaughn-Flam, Esquire (0518)

COOPER LEVENSON, P.A.

1125 Atlantic Avenue - 3rd Floor

Atlantic City, NJ 08401

Telephone: (609) 344-3161

Faxsimile: (609) 344-0939

File No. 51155.00623

Attorney for Defendant, Marina District Development Company, LLC d/b/a Borgata Hotel  
Casino & Spa (improperly named in the Complaint as Borgata Hotel Casino & Spa)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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DANIELLE ROSATI,

Plaintiff,

CIVIL ACTION NO.

vs.

Civil Action

BORGATA HOTEL CASINO & SPA,

**NOTICE OF REMOVAL**

Defendant.

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TO: CLERK OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK:

Marina District Development Company, LLC d/b/a Borgata Hotel Casino & Spa  
("Borgata") by and through its counsel Eric Vaughn-Flam, Esquire of the law firm of Cooper  
Levenson, P.A., hereby says as follows:

1. Plaintiff has filed a lawsuit against "Borgata Hotel Casino & Spa" in the Supreme Court of the State of New York, County of Suffolk (the "State Court Complaint"). The State Court Complaint filed by Plaintiff in this matter bears index number 615638/2021 and was filed in or around August 2021. A true copy of the State Court Complaint is attached hereto, made part hereof, and marked as Exhibit "A."

2. In her Complaint, Plaintiff alleges, *inter alia*, claims of negligence against the only named Defendant “Borgata Hotel Casino & Spa” (see Exhibit “A”).

3. Borgata Hotel Casino & Spa is a trademark for Marina District Development Company, LLC.

4. Marina District Development Company, LLC is a New Jersey limited liability company which owns and operates the casino/hotel/entertainment complex generally known as Borgata Hotel Casino & Spa and did so during all times relevant to Plaintiff’s allegations in her Complaint.

5. No answer has been filed to the State Court Complaint and no further proceedings have either occurred or been scheduled to occur in connection with the State Court Complaint.

6. Marina District Development Company, LLC d/b/a Borgata Hotel Casino & Spa does business in only one location, specifically at One Borgata Way in the City of Atlantic City, County of Atlantic, State of New Jersey.

7. Plaintiff alleges that her cause of action arose as a result of a personal injury event which is alleged to have occurred on August 13, 2018 while she was present upon the premises of Borgata located at One Borgata Way in the City of Atlantic City, County of Atlantic, State of New Jersey.

8. The members of Marina District Development Company, LLC are MAC Corp and MGM Resorts International.

9. MAC Corp is a New Jersey corporation with a principal place of business in Las Vegas, Nevada.

10. MGM Resorts International is a Nevada corporation with its principal place of business in Las Vegas, Nevada.

11. The Complaint in this matter was served upon Borgata on or about December 3, 2021.

12. As a consequence, this Notice of Removal is being filed within thirty (30) days of Borgata becoming first aware of this litigation.

13. As referenced in the State Court Complaint (attached as Exhibit "A"), Plaintiff Danielle Rosati resides in the State of New York.

14. The only Defendant in this matter, Borgata, is a business entity properly known as Marina District Development Company, LLC d/b/a Borgata Hotel Casino & Spa. As indicated above, Marina District Development Company, LLC is a New Jersey limited liability company with its principal and only place of business in New Jersey. The members of Marina District Development Company, LLC are MAC Corp, a New Jersey corporation with its principal place of business in Nevada and MGM Resorts International, a Nevada corporation with its principal place of business in Nevada.

15. Therefore, and pursuant to 28 U.S.C. §1332(c)(1), Marina District Development Company, LLC d/b/a Borgata Hotel Casino & Spa is a citizen of the States of New Jersey and Nevada.

16. Complete diversity of citizenship exists between the Plaintiff and Defendant pursuant to 28 USC §1332.

17. The State Court action filed on behalf of Plaintiff alleges the following with respect to damages:

...Plaintiff Danielle Rosati was caused to sustain serious injuries and to have suffered pain, shock, mental anguish; and that these injuries and their effects will be permanent; and as a result of said injuries Plaintiff has been caused to incur and will continue to incur expenses for medical care and attention; and as a further result, Plaintiff was, and will continue

to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

That by reason of the foregoing, Plaintiff Danielle Rosati was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

18. In light of the allegations made by Plaintiff in her Complaint, the matter in controversy meets or exceeds the jurisdictional limit of \$75,000 prescribed by 28 USC §1332(a).

19. Pursuant to 28 USC §1441, the undersigned, as counsel for the Removing Defendant, files this Notice of Removal on behalf of Marina District Development Company, LLC d/b/a Borgata Hotel Casino & Spa to remove this matter from the Supreme Court of the State of New York, County of Suffolk to United States District Court for the Eastern District of New York based upon the fact that there is complete diversity between the Plaintiff and Defendant and the allegations of the Complaint satisfy the jurisdictional prerequisites of 28 USC §1332(a).

WHEREFORE, the removing Defendant, Marina District Development Company, LLC d/b/a Borgata Hotel Casino & Spa, hereby requests that the above-entitled action be removed from the Supreme Court of the State of New York, County of Suffolk to United States District Court for the Eastern District of New York.

COOPER LEVENSON, P.A.

Dated: December 30, 2021

By: /s/ Eric Vaughn-Flam

Eric Vaughn-Flam

Attorneys for Defendant, Marina District  
Development Company, LLC d/b/a Borgata  
Hotel Casino & Spa

**EXHIBIT “A”**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK.

DANIELLE ROSATI,

Plaintiff,

-against-

BORGATA HOTEL CASINO & SPA,

Defendant.

Index No.: 615638/2021  
Date Purchased: 8/13/21

**SUMMONS**

Plaintiff designates Suffolk County as the place of trial.

The basis of venue is:  
Plaintiff's Residence

Plaintiff resides at:  
265 Pleasantview Court  
Copiaque, NY 11726

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Bronx, New York  
August 11, 2021

*[Handwritten signature]*  
Jason Shapiro  
Shapiro Law Offices, PLLC  
Attorneys for Plaintiff  
3205 Grand Concourse, Suite 1  
Bronx, NY 10468  
718-295-7000

TO:

Borgata Hotel Casino & Spa.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

DANIELLE ROSATI

Plaintiff,

-against-

BORGATA HOTEL CASINO & SPA,

Defendant.

X  
Index No.: 615638/21  
Date Purchased: 8/13/21

COMPLAINT

Plaintiff, by its attorneys, SHAPIRO LAW OFFICES, PLLC, complaining of the Defendants, respectfully alleges, upon information and belief, as follows:

1. That at the time of the commencement of this action, Plaintiff resided in the State of New York.
2. That at all times herein mentioned, Defendant BORGATA HOTEL CASINO & SPA was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
3. That at all times herein mentioned, Defendant BORGATA HOTEL CASINO & SPA was and still is a foreign corporation duly authorized to do business in the State of New York.
4. That at all times hereinafter mentioned, Defendant BORGATA HOTEL CASINO & SPA maintained a principal place of business in the State of New York.
5. That at all times hereinafter mentioned, Defendant BORGATA HOTEL CASINO & SPA owned the premises which was the situs of an accident.

6. That at all times herein mentioned, the aforesaid premises were operated by Defendant **BORGATA HOTEL CASINO & SPA**.

7. That at all times herein mentioned, the aforesaid premises were managed by Defendant **BORGATA HOTEL CASINO & SPA**.

8. That at all times herein mentioned, the aforesaid premises were controlled by Defendant **BORGATA HOTEL CASINO & SPA**.

9. That at all times herein mentioned, the aforesaid premises were maintained by Defendant **BORGATA HOTEL CASINO & SPA**.

10. That at all times hereinafter mentioned, the Defendant **BORGATA HOTEL CASINO & SPA** repaired the aforesaid premises.

11. That Plaintiff **DANIELLE ROSATI** was lawfully on the aforesaid premises.

12. That while Plaintiff was lawfully at the aforesaid location on August 13, 2018, Plaintiff was caused to be injured as a result of the negligence of **BORGATA HOTEL CASINO & SPA** where she sustained severe and permanent injuries and medical expenses.

13. The above mentioned occurrence, and the results thereof, were caused by the negligence of the Defendants and/or said Defendants' servants, agents, employees and/or licensees in the ownership, operation, management, maintenance and control of the aforesaid premises.

14. That no negligence on the part of the Plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

15. That by reason of the foregoing, Plaintiff **DANIELLE ROSATI** was caused to sustain serious injuries and to have suffered pain, shock, mental anguish; that these injuries and their effects will be permanent; and as a result of said injuries Plaintiff has been caused to incur,

and will continue to incur expenses for medical care and attention; and, as a further result, Plaintiff was, and will continue to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

16. That by reason of the foregoing, Plaintiff DANIELLE ROSATI was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiff demands judgment against the Defendants herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: Bronx, New York  
August 11, 2021

Yours, etc.

  
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Jason Shapiro  
Shapiro Law Offices, PLLC  
3205 Grand Concourse, Suite 1  
Bronx, NY 10468  
718-295-7000

Index No. 415635/21

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

DANIELLE ROSATI,

Plaintiff,

-against-

BORGATA HOTEL CASINO & SPA,

Defendant.

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**SUMMONS AND COMPLAINT**

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**SHAPIRO LAW OFFICES, PLLC**

*Attorneys for Plaintiff.*

3205 Grand Concourse, Suite 1

Bronx, NY 10468

718-295-7000

**ATTORNEY CERTIFICATION**

The undersigned, an Attorney admitted to practice in the Courts of New York State, certifies that, upon information, belief and reasonable inquiry, the contentions contained in the above-referenced document(s) are not frivolous.

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JASON SHAPIRO, ESQ.

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To:  
Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated:

.....  
Attorney(s) for